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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 WALTER SPURLOCK and ANDRE
14 GUIBERT,

15 Plaintiffs,

16 v.

17 CITY AND COUNTY OF SAN
18 FRANCISCO, AIRPORT COMMISSION OF
19 THE CITY AND COUNTY OF SAN
FRANCISCO, KEABOKA MOLWANE in his
individual capacity and official capacity as
20 Aviation Security and Regulatory Compliance
Officer at the San Francisco International
Airport, and JEFF LITTLEFIELD in his
individual capacity and official capacity as
21 Chief Operating Officer at San Francisco
International Airport,

22 Defendants.

23 Case No. 3:23-cv-4429

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**DEFENDANTS' REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF MOTION TO
DISMISS THE SECOND AMENDED
COMPLAINT**

REQUEST FOR JUDICIAL NOTICE

Defendants respectfully request that the Court take judicial notice of relevant portions of the Charter of the City and County of San Francisco (“S.F Charter”): Article 1, section 1.101 and Article IV, sections 4.100, 4.102, 4.115, and 4.126. These provisions are attached as **Exhibit A** to the Declaration of Molly J. Alarcon in Support of Defendants’ Request for Judicial Notice (the “Declaration”). They are also available online at the URLs indicated in the Declaration.

Pursuant to Federal Rule of Evidence 201, the court “may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). As a public record, the S.F. Charter is a proper matter for judicial notice. *E.g.*, *Santa Monica Food Not Bombs v. City of Santa Monica*, 450 F.3d 1022, 1025 n.2 (9th Cir. 2006) (taking judicial notice of portions of city ordinances); *Dudum v. Arntz*, 640 F.3d 1098, 1101 n.6 (9th Cir. 2011) (taking judicial notice of election results on city website).

These provisions of the S.F. Charter are relevant to Defendants' arguments in their Motion to Dismiss the Second Amended Complaint that the Airport Commission of the City and County of San Francisco is not a proper Defendant in this matter. *See* Defendants' Memorandum of Points and Authorities in Support of Motion to Dismiss the SAC, Section VI. For these reasons, Defendants respectfully request that the Court take judicial notice of Article 1, § 1.101, and Article IV, §§ 4.100, 4.102, 4.115, and 4.126 of the S.F. Charter.

Dated: February 22, 2024

Respectfully submitted,

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By: /s/ MOLLY J. ALARCON
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